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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,683	11/13/2003	Ihab Soliman	FMC1624PUS/202-1442	9108
28395	7590	01/19/2006	EXAMINER	
BROOKS KUSHMAN P.C./FGTL			PANG, ROGER L	
1000 TOWN CENTER				
22ND FLOOR			ART UNIT	PAPER NUMBER
SOUTHFIELD, MI 48075-1238				3681

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/712,683	SOLIMAN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Roger L. Pang	3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 December 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.  
 4a) Of the above claim(s) 2-4, 6-8 and 10-30 is/are withdrawn from consideration.  
 5) Claim(s) 1 and 5 is/are allowed.  
 6) Claim(s) 9 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

The following action is in response to the RCE filed for application 10/712,683 on December 16, 2005.

### *Election/Restrictions*

Claims 2-4, 6-8, and 10-30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected subcombinations, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on April 18, 2005.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakawaki in view of Rosi. Nakawaki teaches a transmission having first 2 and second 1/2 gearsets, each gearset establishing at least two gearset gear ratios, the first gearset having a torque input element 3R, a torque output element 3C and a reaction element 3S; the second gearset being in series with the first gearset and having multiple torque input elements 1R/1S, a torque output element 2R and multiple reaction elements 2S/2C which establish multiple overall gear ratios; a forward drive friction element K1 selectively connecting the torque output element of the first gearset to one torque input element of the second gearset during forward drive operation of the transmission; a

first pressure actuated friction element B1 of the second gearset selectively braking a first reaction element 2S of the second gearset and a second pressure actuated friction element B2 of the second gearset selectively braking a second reaction element 2C of the second gearset.

Nakawaki lacks the specific teaching of a swap-shifting method. Rosi teaches a speed-based control system for a swap-shift transmission (Col. 3) comprising: a first gearset controller for controlling a pressure  $p_{kab}$  on a first pressure-actuated friction element for the first gearset; a second gearset controller for controlling pressure  $p_{kzu}$  on a second pressure-actuated friction element for the second gearset; the first and second gearset controllers simultaneously controlling friction element pressure for the first and second gearsets during a swap-shift wherein friction element pressure for the second gearset is increased as friction element pressure for the first gearset is decreased during progression of a swap-upshift between two overall gear ratios (Col. 3, lines 56-60); and an adaptive pressure control system configured to boost pressure in the pressure-actuated friction element for the second gearset before a start of torque transfer between the friction elements and to control pressure boost time  $t_{sf}$  to a calibrated value to avoid a gear ratio change during pressure boost for the friction element for the second gearset, the control system including a control unit to detect boost time errors (Col. 6) during a current shift and an error conversion unit for converting the errors to boost pressure time adjustments  $t_{adtsf}$  for the friction element for the second gearset during a subsequent shift. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nakawaki to employ the swap-shifting method in view of Rosi in order to compensate for tolerances of components (Col. 2).

***Allowable Subject Matter***

Claims 1 and 5 are allowed.

***Response to Arguments***

Applicant's arguments with respect to claim 9 have been considered but are moot in view of the new ground(s) of rejection.

**FACSIMILE TRANSMISSION**

Submission of your response by facsimile transmission is encouraged. The central facsimile number is (571) 273-8300. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

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Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on \_\_\_\_\_ (Date)

Typed or printed name of person signing this certificate:

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(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger L. Pang whose telephone number is 571-272-7096. The examiner can normally be reached on 5:30am to 4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Roger L Pang  
Primary Examiner  
Art Unit 3681

January 13, 2006